

## **REMARKS**

### **Status of the Claims**

Claims 1, 3, 28, and 30 have been amended. Claims 1-33 remain pending in the application.

### **Allowability of Claims 10 and 19**

The Applicants again thank the Examiner for the indicating that claims 10 and 19 are allowed.

### **Claims 1-9 and 33 over Nakamura in view of Wagner**

In the Office Action, claims 1-9 and 33 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent No. 6,954,145 to Nakamura et al. ("Nakamura") in view of U.S. Patent Application Pub. No. 2004/0174260 to Wagner ("Wagner"). Claim 1 has been amended to define the invention more clearly and thus obviate the rejection. In particular, claim 1 as amended recites a first communication adapter associated with the first shipping container; and at least a second communication adapter associated with a second shipping container. The first communication adapter is constructed and arranged to adaptively communicate the national security condition of the first shipping container with the second communication adapter. At least one of the communication adapters defines a master device and another of the communication adapters defines a slave device.

The Examiner acknowledged that Nakamura fails to "disclose communication of the national security condition from the first shipping container to a second shipping container." (see Office Action, page 2). The Examiner relies on Wagner to supply the acknowledged deficiencies in Nakamura and allegedly arrive at the claimed features. However, Wagner does not teach or suggest that at least one of the adapters associated with a container is a master device and another of the adapters, associated with another container, is a slave device. In fact, Wagner teaches at column paragraph [0040] that the Remote Monitoring Station 150 (remote computer)

is the master with all the tags being slaves. Therefore, the rejection should be withdrawn.

Claim 9 has been placed in independent format. Claim 9 recites that a central database verifies a content of the first shipping container by processing the national security condition of the first shipping container against a shipping manifest database. Wagner does not verify the content of a shipping container. Wagner merely teaches that one can search for a particular asset or monitor the environmental conditions of an asset (see paragraph 57 of Wagner). In Wagner, monitoring whether a temperature near a container increases, is not verifying a content of a shipping container by processing a national security condition of the first shipping container against a shipping manifest database. Therefore, the rejection should be withdrawn.

**Claims 11-18 and 20-27 over Nakamura in view of Wagner and Woolley**

In the Office Action, claims 11-18 and 20-27 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Nakamura in view of Wagner, and further in view of U.S. Patent No. 5,774,876 to Woolley et al. ("Woolley"). The Applicants respectfully traverse the rejection.

Claims 11-18 and 20-27 recite a system and method of transmitting sensor data from a first shipping container to a second shipping container if a sensor attached to the first shipping container detects a hazard and the first shipping container is unable to transmit its sensor data to a ship's bridge.

The Examiner acknowledged that Wagner fails to disclose communication of a hazard to a ship's bridge (See Office Action, page 5). The Office Action relies on Woolley to allegedly make up for the deficiencies in Wagner to arrive at the claimed features. The Applicants respectfully disagree.

The Examiner states that Woolley discloses distributing data between a first shipping container, a second shipping container and a vehicle driver cabin (see Office Action, page 5). However, the Examiner alleges that a driver's cabin is equivalent to a ship's bridge (see Office Action, page 5). Equivalency does not equate to obviousness. In fact, the MPEP 2144.06 specifically indicates that the Examiner's type of holding is inappropriate in that the Court of Customs and Patent Appeals has

held that components that are functional or mechanical equivalent are not necessarily obvious in view of one another.

As discussed during the Interview, a ship travels on water. A vehicle travels on land, i.e., Woolley discloses a truck. For purposes of national security, if a hazard has reached the point where it is placed on a truck, i.e., reached land, the ability to AVOID a catastrophic crisis has already passed. However, if a hazard is detected and reported to a ship's bridge, a crisis can potentially be avoided before reaching a hazard reaches a port. Thus, a vehicle driver's cabin is not a ship's bridge (as recited by claims 11-18 and 20-27) and does not render a ship's bridge obvious. The Examiner was requested to provide support for the Examiner's allegation that a vehicle driver's cabin equates to a ship's bridge and thus renders the claim obvious, which the Examiner has failed to do. Applicants submit that the Official Action is incomplete because it fails to answer the material traversed. (See MPEP §707.07(f) "Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it.").

It is well settled that each and every claim limitation must be considered. As specified in MPEP §2143.03, entitled "**All Claim Limitations Must Be Taught or Suggested**": "To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). 'All words in a claim must be considered in judging the patentability of that claim against the prior art.' *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970)." MPEP §2143.03 at 2100-139 (Rev. 3, Aug. 2005).

Thus, Nakamura in view of Wagner and Woolley would fail to disclose or suggest a system and method of transmitting sensor data from a first shipping container to a second shipping container if a sensor attached to the first shipping container detects a hazard and the first shipping container is unable to transmit its sensor data to a ship's bridge, as recited by claims 11-18 and 20-27.

A benefit of communicating a hazard associated with a shipping container to a ship's bridge is, e.g., avoiding a crisis. If any type of hazard is detected while a shipping container is still on a ship and communicated to a ship's bridge, the ship's crew can decide to direct the ship away from populated areas and avoid going to port.

Avoiding populated areas and avoid going to port can potentially mean the difference between a few people getting hurt, i.e., a ship's crew, and hundreds of thousands getting hurt, i.e., a city's population. The cited prior art fails to disclose or suggest the claimed features having such benefits.

Accordingly, for at least all the above reasons, claims 11-18 and 20-27 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

**Claim 28-30 over Nakamura in view of Wagner and He**

In the Office Action, claims 28-30 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Nakamura in view of Wagner, and further in view of U.S. Patent No. 6,995,667 to He et al. ("He").

Claim 28 has been amended to recite a communication adapter associated with a first shipping container to adaptively communicate with a communication adapter associated with a second shipping container. At least one of the communication adapters defines a master device and another of the communication adapters defines a slave device.

As noted above, the Wagner does not teach or suggest that a tag is a master with others being slaves.

Accordingly, claims 28-30 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

**Claim 31 over Nakamura in view of Wagner, He and Woolley**

Claim 31 was rejected under 35 U.S.C. §103(a) as allegedly being obvious over Wagner in view of He, and further in view of Woolley. Claim 31 depends from claim 28 and is considered to be allowable for the reasons advance above, and for the additional reason that the added subnet matter thereof is not taught or suggested by the prior art of record. For example, as discussed above, Woolley the does not teach or suggest a satellite communication adapter and a radio adapter attached to a ship's bridge as claimed.

Accordingly, claim 31 is patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

**Claim 32 over He in view of Wagner**

In the Office Action, claim 32 was rejected under 35 U.S.C. §103(a) as allegedly being obvious over He in view of Wagner. The Applicants respectfully traverse the rejection.

Claim 32 recites a satellite transmitter on a top of a shipping container housing, a radio transmitter on a side of the shipping container housing, the radio transmitter being able to communicate with a second shipping container and a Global Positioning System (GPS) satellite receiver on the top of the shipping container housing.

The Examiner alleged that He discloses that various transmitters may be located at various locations on the shipping container at col. 3, lines 28-43, col. 6, lines 39-45 and col. 10, line 64-col. 11, line 13 (see Office Action, page 9). However, a review of He's entire disclosure at best discloses mounting a tracking device proximate to a container configured to hold hazardous materials, see He at col. 3, lines 28-43. He at col. 6, lines 39-45 and col. 10, line 64-col. 11, line 13 simply discloses the use of various types of communications and does not disclose where on a shipping container to place the various types of communications. Even the Examiner's own comments of what He discloses fail to show that He teaches where to place the various types of communications on a shipping container. He fails to teach or suggest where on a shipping container to place the various types of communications, much less disclose or suggest a satellite transmitter on a top of a shipping container housing, a radio transmitter on a side of the shipping container housing, and a Global Positioning System (GPS) satellite receiver on the top of the shipping container housing, as recited by claim 32. It is well settled that each and every claim limitation must be considered. As specified in MPEP §2143.03, entitled "All Claim Limitations Must Be Taught or Suggested": "To establish prima facie obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. In re Royka, 490 F.2d 981, 180 USPQ 580 (CCPA 1974).

A benefit of shipping container comprising a satellite transmitter on a top of a shipping container housing, a radio transmitter on a side of the shipping container housing, and a Global Positioning System (GPS) satellite receiver on the top of the shipping container housing is, e.g., the ability to maximize communications even during transit when shipping containers are stacked deep within a cargo hold of a ship. The cited prior art fails to disclose or suggest the claimed features having such benefits.

Applicants submit that the Official Action is incomplete because it fails to answer the material traversed. (See MPEP §707.07(f) "Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it.").

Accordingly, for at least all the above reasons, claim 32 is patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

## **CONCLUSION**

In view of the foregoing remarks, Applicant submits that this claimed invention is neither anticipated nor rendered obvious in view of the prior art references applied against this application. Applicant therefore requests the Examiner's reconsideration and reexamination of the application, and the timely allowance of the pending claims.

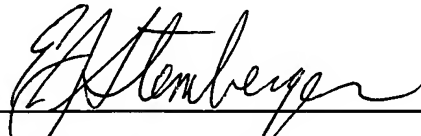
If the Examiner believes that additional discussions or information might advance the prosecution of the instant application, the Examiner is invited to contact the undersigned at the telephone number listed below to expedite resolution of any outstanding issues.

A Petition for extension time accompanies this Amendment.

Respectfully submitted,

Dated: March 14, 2007

By: \_\_\_\_\_

A handwritten signature in black ink, appearing to read "E. Stemberger", is written over a horizontal line.

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